

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NELSON NICOLAS NUNEZ-  
ACOSTA and FELIPE GENAO  
MINAYA,

Defendants.

4:18-CR-3058

PRELIMINARY ORDER OF  
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture ([filing 131](#)). The indictment in this case charged the defendants with one count of possessing fentanyl with intent to distribute in violation of [21 U.S.C. § 841](#). [Filing 28 at 1](#). The information contained a forfeiture allegation seeking the forfeiture pursuant to [21 U.S.C. § 853](#) of, among other things, a 2007 refrigerated trailer with a VIN of 1UYVS25357U014723, on the basis that it was used to facilitate the commission of the offense and was derived from proceeds obtained, directly or indirectly, as a result of committing the offense. [Filing 28 at 1-2](#).

The defendants have pled guilty to the crime alleged and admitted the forfeiture allegation. [Filing 121 at 1](#); [filing 132 at 17](#); [filing 134 at 14](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendants have forfeited their interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

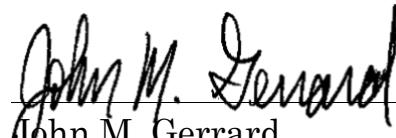
IT IS ORDERED:

1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 131](#)) is granted.
2. Based upon the defendants' guilty pleas and admission of the forfeiture allegation of the information, the plaintiff is authorized to seize the 2007 refrigerated trailer with a VIN of 1UYVS25357U014723.
3. The defendants' interests in the property are forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least thirty consecutive days on an official Internet government forfeiture site ([www.forfeiture.gov](http://www.forfeiture.gov)) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 3rd day of September, 2020.

BY THE COURT:

  
\_\_\_\_\_  
John M. Gerrard  
Chief United States District Judge